

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :
: Examiner: I. A. Greene
Ijeoma UCHEGBU et al. :
: Group Art Unit: 1619
Application No. 10/528,602 :
: Attorney Docket No.: 4938-P03603US00
Filing Date: September 29, 2005 :
: Confirmation No. 3999
For: DRUG DELIVERY :
:
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**TRAVERSAL AND REQUEST FOR RECONSIDERATION
OF REQUIREMENT FOR RESTRICTION**

Dear Sir:

Applicants, through their undersigned attorneys, hereby traverse and request reconsideration of the requirement for restriction set forth in the Official Action, dated January 27, 2009, in the above-identified patent application.

At the outset, it is noted that a shortened statutory response period of one (1) month was set in the January 27, 2009 Official Action. Accordingly, the initial response period is due to expire February 27, 2009. This Traversal and Request for Reconsideration of Requirement for Restriction is being filed before the expiration of the initial response period.

The examiner is requiring restriction based on the determination that the pending claims are directed to three (3) allegedly separate, patentably distinct inventions, as set out at page 2 of the January 27, 2009 Official Action. This restriction requirement is plainly improper for failure to comply with the relevant provisions of the Manual of Patent Examining Procedure (MPEP) pertaining to unity of invention determinations.

The present application was filed under 35 USC §371 as a U.S. national stage application under the Patent Cooperation Treaty (PCT).